

Remarks

Claims 1-26 are pending in the application. Claims 1, 2, 14, 22 and 23 are rejected, while claims 3-13, 15-21, and 24-26 are objected to. By this paper, claims 1-5, 7, 10, 11, 14-16, 18 and 22 are amended; claims 6, 17 and 24-26 are canceled, and claims 27 and 28 are added. Based on the following, consideration of the new and amended claims, and reconsideration of the remaining claims, are requested.

Claim Rejections—35 U.S.C. § 102

The Examiner rejected claims 1, 2, 14, 22 and 23 under 35 U.S.C. § 102(b) as being anticipated by U.S. Patent No. 5,720,533 (Pastor et al.). By this paper, independent claims 1, 14 and 22 are amended to more particularly point out and distinctly claim the subject matter of the invention.

Claim 14 is amended to include limitations from claim 17, which, as explained below, was objected to by the Examiner. Accordingly, claim 17 has been canceled, and amended claim 14 is believed to be allowable. Similarly, claim 22 is amended to include limitations from claim 24, also objected to by the Examiner. Claim 24 has been canceled, and amended claim 22 is believed to be allowable. Claim 23 depends directly from claim 22 and is also believed to be allowable.

Claim 1 is amended, and recites a method which includes elements not expressly or inherently described in Pastor et al. For example, amended claim 1 not only includes the steps of determining a first vehicle request that is a nonlinear, increasing function of a first error term, but also recites the steps of: "determining at least one additional vehicle request; performing at least one arbitration on at least two of the vehicle requests prior to the application of an integrator to any of the at least two vehicle requests, thereby determining an arbitrated vehicle request; and applying a first transfer function including an integrator to the arbitrated vehicle request." As discussed in the specification, for example, in paragraph 41, integral control can be beneficial,

but applying an integral controller prior to arbitrating various requests can require adjustment of the integrator. In contrast, applying integral control only after arbitration, as recited in amended claim 1, eliminates this problem. Pastor et al. does not teach these elements, and amended claim 1 and its dependent claim, claim 2, are believed to be allowable. Applicant notes that claim 2 is amended by this paper, based on the amendment to claim 1.

Allowable Subject Matter

The Examiner objected to claims 3-13, 15 -21 and 24-26 as being dependent upon a rejected base claim, but indicated that each would be allowable if written in independent form to include all of the limitations of its respective base claim and any intervening claims. Claims 6, 17 and 24-26 are canceled, rendering moot these objections; however, as discussed above, claim 14 has been rewritten to include limitations from directly dependent claim 17, and is believed to be allowable. Therefore, claims 15, 16 and 18-21, each of which has amended claim 14 as its base claim, are also believed to be allowable. Applicant notes that by this paper, claims 15, 16 and 18 are amended based on the amendment to their base claim, claim 14.

Limitations from claim 24 have been incorporated into claim 22; similarly, new claims 27 and 28 each include limitations from claim 22, and respectively include limitations from claims 25 and 26, which accordingly have been canceled. Therefore, new claims 27 and 28 are also believed to be allowable.

As discussed in detail above, amended claim 1 is believed to be allowable; therefore, its dependent claims, claims 3-13, are also believed to be allowable. Applicant notes that by this paper, claims 3-5, 7, 10 and 11 are amended based on the amendment to claim 1, their base claim.

Based on the foregoing, Applicant requests allowance of each of the pending claims. The Petition fee of \$120.00 and extra claims fee of \$420.00 are being charged to Deposit

Account No. 02-3978 via electronic authorization submitted concurrently herewith. Please charge any additional fees or credit any overpayments as a result of the filing of this paper to our Deposit Account No. 02-3978.

Respectfully submitted,

Diana Yanakiev

By /Marc F. Malooley/

Marc F. Malooley

Reg. No. 50,624

Attorney/Agent for Applicant

Date: 8 May 2008

BROOKS KUSHMAN P.C.
1000 Town Center, 22nd Floor
Southfield, MI 48075-1238
Phone: 248-358-4400
Fax: 248-358-3351